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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,289	09/16/2003	Fred Zillinger	RR-554	2617
20427	7590	12/08/2004	EXAMINER	
RODMAN RODMAN 7 SOUTH BROADWAY WHITE PLAINS, NY 10601			THOMPSON, KENNETH L	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,289

Applicant(s)

ZILLINGER, FRED

Examiner

Kenn Thompson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Buskirk et al., U.S. 6,367,545.

Regarding claim 1, Van Buskirk et al. discloses in figures 1-16 a replaceable pressure sensor insert (82) adapted for removable connection with an insert carrier (80). Van Buskirk et al. discloses a housing (28), wherein the housing defines an exterior of the housing and wherein the housing defines an interior of the housing. Van Buskirk et al. discloses a pressure sensor (in 82) connected with the housing such that the pressure sensor is capable of sensing an ambient pressure (via 84) at the exterior of the housing. Van Buskirk et al. discloses an electronics assembly (44,46,60,62) contained within the interior of the housing and electrically connected with the pressure sensor. Van Buskirk et al. discloses a first insert mounting component (76) adapted to be removably connectable with a second insert (90) mounting component associated with the insert carrier in order to facilitate connection and replacement of the insert. Van Buskirk et al. discloses a housing sealing mechanism (74,78) for sealing the insert relative to the insert carrier; and a sensor sealing mechanism (80) for sealing the pressure sensor relative to the housing.

As to claim 2, Van Buskirk et al. discloses the electronics assembly (44,46,60,62) is comprised of a processor for processing data received from the pressure sensor.

As to claim 3, Van Buskirk et al. discloses the electronics assembly is comprised of a memory for storing data generated by the insert.

As to claim 4, Van Buskirk et al. discloses the pressure sensor is comprised of a sensing end (84) for sensing the ambient pressure at the exterior of the housing, wherein the pressure sensor is further comprised of a connecting end (at 76) for electrically connecting the pressure sensor with the electronics assembly, and wherein the connecting end of the pressure sensor is in communication with the interior of the housing in order to facilitate the electrical connection of the pressure sensor and the electronics assembly.

Allowable Subject Matter

Claims 5-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including the sensing end of the pressure sensor is comprised of a diaphragm for transmitting the ambient pressure from the exterior of the pressure sensor to the interior chamber of the pressure sensor.

Response to Arguments

Applicant's arguments filed 17 September 2004 have been fully considered but they are not persuasive.

Applicant argues the prior does not disclose a pressure sensor carrier and pressure sensor insert.

The recess 82 is considered to be the insert and the connector 80 is considered to be the carrier.

Applicant argues the prior art does not disclose a pressure sensor insert comprising a first insert mounting component adapted to be removably connectable with a second insert mounting component associated with the insert carrier; specifically the mount (76) identified as the first insert mounting component is not removably connectable with the compensating piston housing (90) identified as the second insert mounting component.

The mount 76, identified as the first insert mounting component, is removably connectable with the compensating piston housing 90, identified as the second insert mounting component, via at least the connector 80. Figure 6 shows a removable connection between connector 80 and mount 76 as well.

Applicant argues the prior art does not disclose a sealing mechanism for sealing the insert relative to the insert carrier.

The claim does not require a seal between components nor a location for the seal. The sealing mechanism, 74 and 78, are at least in relation to the claimed components.

Applicant argues the sensor sealing mechanism (80) identified by the Examiner does not seal relative to the pressure sensor and the housing.

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The claim does not require a seal between components nor a location for the seal. The threaded connection between the connector 80 and the housing serves as a sealing mechanism and is at least in relation to the claimed components.

Applicant argues the prior art does not disclose a memory for storing the data generated by the insert.

In column 2, lines 1-11 the prior art discloses sensors for measuring element pressure, wellbore pressure, downhole and uphole; parameters communicable directly to the surface; based upon the information obtained, adjustments being made by the operator, by a surface computer or a downhole computer as desired and equipped; which requires at least a short term memory for information obtained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 703 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

30 November 2004



Kenn Thompson
Primary Patent Examiner
Art Unit 3672